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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/994,373	11/26/2001	Noah Lehmann-Haupt	3009.1003-002	7281

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EXAMINER

TINKLER, MURIEL S

ART UNIT PAPER NUMBER

3691

DATE MAILED: 12/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/994,373	Applicant(s) LEHMANN-HAUPT ET AL.	
	Examiner Muriel Tinkler	Art Unit 3691	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This application has been reviewed. The original claims 1-20 are pending.

Rejections are as stated below.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 7-11, 14-18, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Gutterman et al (US 5,297,031).

Claims 1, 8, and 15 discuss an apparatus and method for: a plurality of loosely coupled computers; generating and transmitting a request package; request package has asking price and constraints and enable open market trading among users of the computers; receiving computer generates rules according to the constraints given; each user having at least one other user as a prior established business contact. Gutterman discloses in claim 1: A broker workstation for managing buy and sell orders submitted to a broker from a plurality of customers; a first means for displaying information concerning a plurality of unexecuted orders; each of said unexecuted orders comprising a quantity of a particular commodity, security, option or contract to be bought or sold; a computer for receiving order information, for controlling said first displaying means and

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for calculating a total of said unexecuted orders for a particular commodity, security, option, or contract at the market price.”

Claims 2, 9, and 16 discuss a computer receiving a request package has an inventory of the local goods available for selling and a means for modifying the rules dependent on the inventory to reflect seller preferences in product availability.

Gutterman discloses in claim 6, “The workstation of the claim 1, wherein said first displaying means further comprises means for selectively displaying order fill information and said data entering means comprises means for entering order fill information.”

Claims 3, 10, and 17 discuss a means for receiving the request package that compares the bid to the inventory and attempts to match supply and demand when permitted by the rules. Gutterman discloses in claim 4, “The workstation of claim 3, wherein the accepted order displaying means comprises a selected plurality of price tick columns and market price bars for indicating market prices in a plurality of markets.”

Claims 4, 11, and 18 discuss method comprising an interface in a computer sending the request package which allows specification of demand parameters for the desired good and reports back results from a request package. Gutterman discloses in claim 8: In a workstation having a computer, means for entering data into the computer, and means for displaying the data entered, a method for managing buy and sell orders submitted to a broker from a plurality of customers.”

Claims 7, 14, and 20 discuss an apparatus and method wherein the constraints are configured independently via an interface on each computer of the plurality.

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Gutterman discloses in claim 1, "means for entering data into the computer, said data comprising information concerning incoming orders submitted to a broker from a plurality of customers for execution."

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

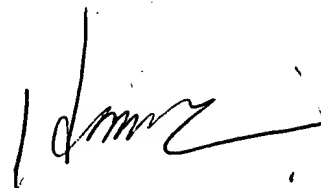
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5, 6, 12, 13, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gutterman in view of Wiseman (US 5168446).

Claims 5, 6, 12, 13 and 19 discuss a method of transmitting a confirmation package for billing purposes that uses the exact node path of an originally confirmed request package. Claims 5, 6, 12, 13, and 19 are all dependent claims: claims 5 and 6 are dependent on claim 1 which was rejected based on the discussion(s) above; claims 12 and 13 are dependent on claim 8 which was rejected based on the discussion(s) above; claim 19 is dependent on claim 15 which was rejected based on the discussion(s) above. Gutterman discloses the information in claims 1, 8 and 15. Gutterman does not disclose a method of transmitting a confirmation package for billing purposes that uses the exact node path of the originally confirmed request package. Wiseman teaches on page 16 line 55 through page 17 line 12, "Referring back to the transmission of the quote request... The initial transmission sets up a virtual circuit

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within the packet switching network over which all further communications between the two parties will pass if the quote request is answered by the counterparty."

A handwritten signature in black ink, appearing to read 'H. Kazimi', with a stylized flourish at the end.

HANI M. KAZIMI
PRIMARY EXAMINER